

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JENKINS,

Plaintiff,

v.

,

Defendant.

Case No. [21-cv-06485-PJH](#)

ORDER OF TRANSFER

This is a civil rights case brought pro se by a state prisoner. Plaintiff is incarcerated in the Eastern District of Michigan and raises claims against defendants in that district. He states that the Internal Revenue Service sent to him at his prison his economic impact payment ("EIP") pursuant to the Coronavirus Aid, Relief, and Economic Security Act (The "CARES Act"), Pub. L. No. 116-136, 134 Stat. 281 (2020). He contends that prison officials deducted money for restitution and other charges. For relief, he seeks prison officials in Michigan to provide him his funds.

In *Scholl v. Mnuchin*, 494 F. Supp. 3d 661 (N.D. Cal. 2020) this court found that the Department of Treasury and Internal Revenue Service could not withhold advance refunds or credits to individuals solely because they were incarcerated. *Id.* at 692. To the extent plaintiff requests to proceed with his claim in this court and the *Scholl* case, any such request is denied. Plaintiff's claims involve entirely different defendants located in the Eastern District of Michigan. Plaintiff's claim involves interference by prison officials in plaintiff receiving his EIP, not the issuance of funds by the *Scholl* defendants and the CARES Act.

Venue, therefore, properly lies in that district and not in this one. See 28 U.S.C. § 1391(b). This case is **TRANSFERRED** to the United States District Court for the Eastern District of Michigan. See 28 U.S.C. § 1406(a).

IT IS SO ORDERED.

Dated: September 27, 2021

/s/ Phyllis J. Hamilton
PHYLLIS J. HAMILTON
United States District Judge

United States District Court
Northern District of California